

AN ORDINANCE

99451

**SELECTING POZNECKI, CAMARILLO AND ASSOCIATES, INC.
TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH
THE PLATTING OF THE LEVI STRAUSS PROPERTY INTO
THREE PARCELS, WHICH PROPERTY IS CURRENTLY UNDER
CONTRACT FOR PURCHASE BY THE CITY OF SAN ANTONIO;
AUTHORIZING THE NEGOTIATION AND EXECUTION OF A
PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO
EXCEED \$50,000.00; APPROPRIATING FUNDS; AND PROVIDING
FOR PAYMENT**

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WHEREAS, pursuant to Ordinance Number 99351 passed on June 10, 2004, the City entered into a Purchase and Sale Agreement with Levi Strauss & Co. to purchase approximately 59 acres located on Highway 90 West, including a Finishing Plant Property, Sewing Plant Property, and Excess Land Property, for \$4,850,000.00, for use by the Departments of Public Works and Parks and Recreation, with the provision that the City could terminate the Agreement in part or in whole following the completion of a due diligence period; and

WHEREAS, after completing its due diligence, the City found that purchase of the Finishing Plant Property was not financially feasible for use by the Department of Public Works and on July 20, 2004 the City exercised its right to a partial termination of the Agreement as to the Finishing Plant Property only, thus reducing the purchase price for the other two properties to \$3,300,000.00; however, upon such termination, the City was required to re-plat all 3 properties; and

WHEREAS, professional engineering services are required for such re-platting of the approximately 59 acres, and funding in an amount not to exceed \$50,000.00 was authorized for such services through Ordinance Number 99351; and

WHEREAS, the firm of Poznecki, Camarillo and Associates, Inc. has submitted a proposal to perform the above mentioned services for a sum not to exceed \$50,000.00, and City staff recommends that the firm be selected; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The firm of Poznecki, Camarillo and Associates, Inc. is hereby selected to perform professional engineering services providing for the re-platting of approximately 59 acres of land (the Levi Strauss Property) for which funding was approved through Ordinance Number 99351 passed on June 10, 2004.

SECTION 2. City staff is hereby authorized and directed to commence negotiations with said firm to reach an agreement on a contract for such work at a fair and reasonable price not to exceed \$50,000.00.

SECTION 3. If a contract can be negotiated in accordance with the terms of the standard form engineering contract, appearing in substantially the same form as Attachment I affixed hereto and incorporated herein for all purposes, and in accordance with the price provisions contained herein, the City Manager or her designee is authorized to execute such an agreement without further City Council action. Should a contract be negotiated which varies from the standard terms, the contract must be considered through a subsequent

Ordinance. If so, City Council must approve the contract terms and insure that the compensation provided meets the legal requirements set out in Section 2254.004 of the Texas Government Code.

SECTION 4. The encumbrance in Fund 40-003407, Other Capital Projects, Municipal Buildings and Grounds, in Index Code 787986, entitled "Miscellaneous Services & Fees", shall be revised by reducing document number PO99351C by the amount of \$50,000.00.

SECTION 5. From the existing appropriation in fund 40-003407, Other Capital Projects, Municipal Buildings and Grounds, in Index Code 787986, entitled "Miscellaneous Services & Fees", the amount of \$50,000.00 is authorized to be encumbered and made payable to Poznecki, Camarillo and Associates, Inc. for engineering services in connection with the Levi Strauss Property project.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

SECTION 7. This Ordinance is also a declaration of the City's official intent to reimburse itself from the proceeds derived from the sale of General Obligation Bonds, Certificates of Obligation, or other sources of revenue or financing, for any authorized expenditures previously incurred from lawfully available funds of the City.

SECTION 8. This ordinance shall be immediately effective if passed by at least eight votes. Otherwise, it shall be effective on the 1st day of August, 2004.

PASSED AND APPROVED this 22nd day of July, 2004.



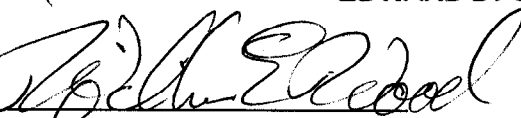
M A Y O R

ATTEST:


City Clerk

EDWARD D. GARZA

APPROVED AS TO FORM:


for City Attorney